

Municipal Clerk
Atlanta, Georgia

04-0-0900

A SUBSTITUTE ORDINANCE
BY: ZONING COMMITTEE

Z-04-35
Date Filed: 6-03-04

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **616-646 Dekalb Avenue, S.E. and 40 Cornelia Street, S.E.** be changed from the I-2 (Heavy Industrial) District, to the C-3-C (Commercial-Residential-Conditional) District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 20 of the 14th District, Fulton County, Georgia, being more particularly described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

Conditions for Z-04-35

1. The development shall comply with the design guidelines of the MRC-2 district and shall be reviewed by the Bureau of Planning for that purpose.
2. Landscaping shall be provided adjacent to all new buildings constructed on site. A fifteen foot sidewalk and associated street trees shall be constructed along the rail corridor.
3. This development proposal shall be reviewed by the Urban Design Commission. The use of stucco shall be minimized, there shall be no EIFS used, and brick and hardi plank facades shall be used.
4. The density shall be limited as follows:
 - Residential = 1.5 F.A.R.
 - Commercial = 1.0 F.A.R.

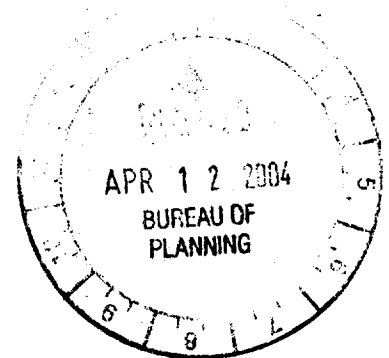
Exhibit "A"
(page 1 of 4)

TRACT I

ALL that tract or parcel of land lying and being in the City of Atlanta in Land Lot 20 of the 14th District of Fulton County, Georgia, more particularly described as follows:

BEGINNING at the northeast corner of DeKalb Avenue and Cornelia Street and running thence north along the east side of Cornelia Street 199.5 feet to an iron pin; thence northeasterly 100 feet to a railroad spike marker; thence south at an interior angle of 69 degrees 09 minutes to the last call, 206.9 feet to an iron pin marker on the north side of DeKalb Avenue; thence southwesterly along the northerly side of DeKalb Avenue 99.5 feet to Cornelia Street and the point of beginning. LESS AND EXCEPT that portion of the above described property conveyed to Metropolitan Atlanta Rapid Transit Authority by deed dated 12/29/1975, recorded in Deed Book 6415 page 470, Fulton County Records.

Being the same conveyed to the Grantor by virtue of a Warranty Deed recorded in Deed Book 7270, Page 82, Fulton County, Georgia Records.



2-04-35

Exhibit "A"
(page 2 of 4)

TRACT II

MARTA Disposal Parcel D1138

ALL that tract or parcel of land lying and being in Land Lot 20 of the 14th District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at the northwesterly corner of the intersection of Dekalb Avenue and Airline Street; thence northwesterly along the southwesterly right of way line of Airline Street 79.9 feet to the most easterly corner of property now or formerly owned by Southern Railway; thence southwesterly along the southeasterly line of said property now or formerly owned by Southern Railway, and following the curvature thereof, 198.3 feet to the northwesterly right of way line of Dekalb Avenue; thence northeasterly along said right of way line 172.6 feet to the POINT OF BEGINNING, being the same property conveyed to the Metropolitan Atlanta Rapid Transit Authority by the City of Atlanta in 1975, by deed recorded in Deed Book 6409, Page 245, of Fulton County records.

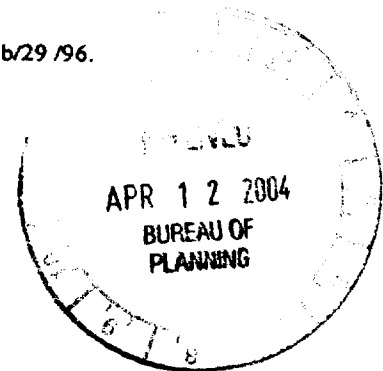
LESS AND EXCEPT: ALL that tract or parcel of land lying and being in Land lot 20 of the 14th district of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at a point on the southwesterly right of way line of Airline Street located north $61^{\circ} 17' 16''$ east, 161.96 feet from Marta Monument E-8 located at coordinates north 1,365,078.386 and east 439,170.434; thence along the arc of a curve to the left, 114.93 feet to a point, (said curve having a chord distance of 114.93 feet on a bearing of south $72^{\circ} 01' 32''$ west, and having a radius of 13,560.5 feet); thence along the arc of a curve to the right, 64.28 feet to a point on the northwesterly right of way line of Dekalb Avenue (said curve having a chord distance of 64.28 feet on a bearing of south $48^{\circ} 50' 46''$ west, and a radius of 1580.90 feet); thence along said northwesterly right of way line south $73^{\circ} 17' 39''$ west, 2.78 feet to a point; thence continuing along said right of way line north $69^{\circ} 57' 29''$ east, 169.83 feet to the southwesterly right of way line of Airline Street; thence along said southwesterly right of way line north $13^{\circ} 26' 04''$ west, 19.30 feet to the POINT OF BEGINNING.

Containing 3190 square feet, more or less.

Coordinates, bearings and dimensions are based on the 1927 Georgia Transverse Mercator Grid System, West Zone, as adjusted in 1974 for the Metropolitan Atlanta Rapid Transit Authority, as recorded in Plat Book 107 Pages 1 through 18, inclusive, in the office of the Clerk of the Superior Court of Fulton County, Georgia.

The above description is based on MARTA drawing DCE135, dated Feb/29/96.



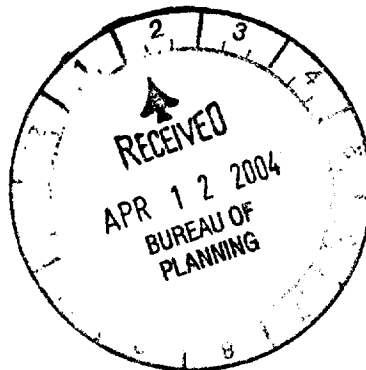
2-04-35

Exhibit "A"
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TRACT III

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 20 of the 14th District of Fulton County, Georgia, more particularly described as follows:

BEGINNING at an iron pin on the eastern side of Cornelia Street 199.5 feet North along said street from the northeastern corner of Cornelia Street and DeKalb Avenue, said pin being at the northwestern corner of the tract of land described in Warranty Deed from Concrete Construction Company, Inc. to Harry Moscow, dated August 21, 1957, filed for record August 23, 1957, and recorded in Deed Book 3252, Page 193, of Fulton County Records, and running thence northerly along the eastern side of Cornelia Street 194 feet, more or less, to the southeast corner of Cornelia Street and Ezzard Street; thence northeasterly along the southeasterly side of Ezzard Street 299 feet, more or less, to the southwestern corner of Ezzard Street and Ella Street (also referred to as Ella Place); thence southeasterly along the southwesterly side of Ella Street 179.1 feet, more or less, to a stake on the North line of property now or formerly owned by Southern Railway System; thence southwesterly along the North line of said Southern Railway property 244 feet to a railroad spike at the northeastern corner of the above mentioned Harry Moscow tract described in Warranty Deed recorded in Deed Book 3252, Page 193, thence westerly along the northern line of said Moscow tract, 100 feet to the eastern side of Cornelia Street and the Point of Beginning.



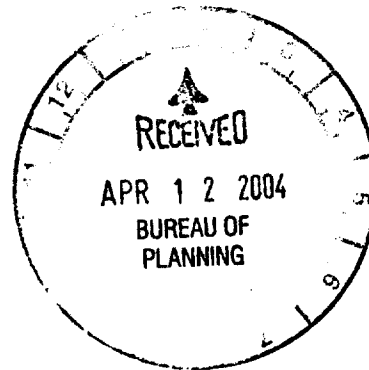
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Exhibit "A"
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TRACT IV

All that tract or parcel of land lying and being in Land Lot 20 of the 14th District, Fulton County, Georgia, being bounded as follows: on the south by the right of way of DeKalb Avenue (f/k/a Decatur Street) and Tax Parcel No. 14-20-1-12-1 (Tract II of Exhibit "A" herein); on the east by Air Line Street (f/k/a Ella Street); on the north by Tax Parcel No. 14-20-1-16-2 (Tract III of Exhibit "A" herein); and on the west by Tax Parcel No. 14-20-1-17-0 (Tract I of Exhibit "A" herein), and by the right of way of DeKalb Avenue.

LESS & EXCEPT any portion of subject property which may have been conveyed to Metropolitan Atlanta Rapid Transit Authority by Quit Claim Deed recorded at Deed Book 7722, page 431, Fulton County records.



2-04-35